

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARK CIFUENTES,

Defendant.

8:18CR109

ORDER

This case came before the Court on Petition for Action on Conditions of Pretrial Release (#81). On October 4, 2018, Probation and Pretrial Services Officer Fred Samway submitted a Petition for Action on Conditions of Pretrial Release alleging that Defendant had violated conditions of release as follows:

(r) Participate in one of the home confinement program components and abide by all requirements of the program, which will not include electronic monitoring or other location verification system. Installation of monitoring equipment shall be at the defendant's expense, payable in advance of the installation; monitoring fees shall be paid by defendant monthly.

Curfew. You are restricted to your residence every day from 10:00 p.m. to 6:00 a.m., or as directed by the supervising officer.

On October 2, 2018, Marc Cifuentes violated his curfew by being outside of his residence at approximately 4:00 a.m. as reported by a Lexington Police Department incident report.

A warrant was issued.

Defendant appeared before the undersigned magistrate on October 17, 2018. Michael Bianchi represented Defendant. Kimberly C. Bunjer, Assistant United States Attorney, represented the Government. After being advised of the nature of the allegations, rights, and the consequences if the allegations were found to be true,

Defendant admitted the allegations. The Court finds the allegations set out in the petition are generally true and finds that Defendant violated the conditions of release.

The government moved for detention. After providing both parties an opportunity for allocution, I find the Order Setting Conditions of Release (#76) should be revoked. I find Defendant is unlikely to abide by conditions of release. I find that there is no condition or combinations of conditions that would reasonably assure the safety of the community if Defendant were to be released upon conditions.

IT IS ORDERED:

1. The Petition for Action on Conditions of Pretrial Release (#81) is granted;
2. The Order Setting Conditions of Release (#76) is hereby revoked; and
3. Defendant is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility separate, to the extent practicable, from persons awaiting or serving sentence or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of the Court of the United States or on the request of an attorney for the Government, the person in charge of the correctional facility shall deliver Defendant to the United States Marshal for purpose of an appearance in connection with a court proceeding.

DATED this 17th day of October, 2018.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge